

5) Remarks

The Applicant and the undersigned attorney thank the Examiner for reconsidering the present application and the new claim set. Further consideration of the application is requested in view of the following.

During the interview, the undersigned agreed that a substitute claim set would be submitted in connection with an RCE, and that the existing claims would be canceled. In accordance with that discussion, new claims 46-190 are presented for entry and consideration in connection with this RCE. Support for these claims is found in the specification in FIG. 1, FIG. 3, FIG. 6, FIG. 7 (in particular), and FIG. 8, and in the corresponding discussion on pages 32-37, among other places.

The examiner may recall that (and as mentioned above in the Record of Interview) he thought during the interview that the invention might be characterized as an "automated COD system." Although the applicants will agree that such a characterization is useful to some degree in understanding the subject matter, it is noted for the record that such a characterization might be misleading, as it fails to consider other aspects of the invention set forth in the claims. As an aid to the examiner in considering such other aspects, the following brief description/summary of certain aspects of the subject matter for which a patent is sought is provided, as presented in the various new independent claims. It should be understood that this summary is being presented not by way of limitation, or formal characterization, or to be subject to an estoppel, as the following summaries are for the convenience of the examiner in ascertaining the differences between the subject matter of the claims, so as to thereby facilitate examination.

Claim 46 and its associated dependent claims are directed, among other things, to aspects of a method for completing a transaction between a buyer and a seller utilizing a payment enabling system, with steps particularly applicable to the payment enabling system, involving various steps of receiving transaction information from a transaction computer, requesting authorization of a payment from a payment instrument processor, instructing the seller to ship the goods in response to an authorization, querying a shipping service's tracking database to determine when the goods have been delivered, and upon determination of acceptable delivery, communicating an instruction to the payment instrument processor to make the payment to the seller with a selected payment instrument.

Claim 69 and its associated dependent claims are directed, among other things, to aspects of a system for effecting payment for an online transaction but conditioned on acceptable delivery of goods, comprising a transaction computer, a shipping service tracking database, one or more payment instrument processors, and a payment enabling system, with operations along the lines of claim 46, which is roughly a method counterpart to this claim.

Claim 93 and its associated dependent claims are directed to, among other things, aspects of a method for completing a transaction between a buyer and a seller utilizing a payment enabling system, with steps particularly applicable to the payment enabling system, involving various steps including registering a payment instrument, requesting authorization of a payment from a payment instrument processor, instructing the seller to ship the goods in response to an authorization, generating a tracking number associated with the shipment of goods, querying a shipping service's tracking database to determine when the goods have been delivered, and upon determination of acceptable delivery, communicating an instruction to the payment instrument processor to make the payment to the seller.

Claim 118 and its associated dependent claims are directed to, among other things, aspects of a system for effecting payment for goods in an online transaction, the payment conditioned on acceptable delivery of the goods to the buyer, comprising a payment enabling system and interfaces for data communications with buyer and seller computers, a transaction computer, a payment instrument processor, and a shipping service, with operations particularly applicable to the payment enabling system along the lines of claim 93, which is roughly a method counterpart to this claim.

Claim 143 and its associated dependent claims are directed to, among other things, aspects of a method for completing a transaction between a buyer and a seller in a system including a transaction computer, a payment enabling system, one or more payment instrument processors, and at least one pre-authorized shipping service, involving various steps of registering a payment instrument, requesting authorization of a payment from a payment instrument processor, instructing the seller to ship the goods in response to an authorization, generating a tracking number, querying a shipping service's tracking database to determine when the goods have been delivered, and upon determination of acceptable delivery, communicating an instruction to the payment instrument processor to make the payment to the seller.

Claim 167 is directed, among other things, to aspects of a system for effecting payment for an online transaction but conditioned on delivery of goods, comprising a transaction computer, a shipping service tracking database, one or more payment instrument processors, and a payment enabling system, with operations along the lines of claim 143, which is roughly a method counterpart to this claim.

It is submitted that the new claims recite inventions that are novel and nonobvious over any of the art cited by the Examiner, as no art teaches or discloses the claimed aspects of methods and systems for effecting payment for goods purchased by a buyer in an online transaction, where the payment to the seller is conditioned upon acceptable delivery of the goods, as determined in the various computer-implemented methods and systems described and disclosed in the application. Thus, the foregoing is submitted as a full and complete response to the Office Action mailed March 26, 2003 and is believed to place all claims in the application in condition for allowance.

If the Examiner believes that there are any issues that can be resolved by telephone conference, or if there are any informalities that may be addressed by an Examiner's amendment, please contact the undersigned at (404) 233-7000.

Respectfully submitted,



By: John R. Harris
Reg. No. 30,388

MORRIS, MANNING & MARTIN, LLP
3343 Peachtree Rd. NE
1600 Atlanta Financial Center
Atlanta, GA 30326
(404) 233-7000

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4) Record of Interview

The applicants would like to thank Examiner Akers for his helpful comments and suggestions during the telephone interview of July 10, 2003 with Mr. Brian Anderson, and during the personal interview with the undersigned on August 27, 2003.

Pursuant to 37 C.F.R. § 1.133(b), the following description is submitted as a complete written statement of the reasons presented at the interview as warranting favorable action. The following statement is intended to comply with the requirements of MPEP § 713.04 and expressly sets forth: (A) a brief description of the nature any exhibit shown or any demonstration conducted; (B) identification of the claims discussed; (C) identification of specific prior art discussed; (D) identification of the principal proposed amendments of a substantive nature discussed; (E) the general thrust of the principal arguments; and (F) a general indication of any other pertinent matters; and (G) the general results or outcome of the interview, if appropriate.

(A) No exhibits were shown or discussed.

(B) The independent claims were discussed in general, but not specifically. The undersigned indicated that a substitute claim set would be presented.

(C) The *Green* and *Blinn* and *Payne* patents were discussed generally but not specifically during the telephone interview; the *Payne*, *Fujimoto*, *Green*, and *Blinn* patents were discussed generally but not specifically during the personal interview.

(D) No proposed amendments were presented or discussed.

(E) The general thrust of the discussion was as set forth below in the next paragraphs.

(F) No other matters were discussed.

(G) No agreement was reached during the interview regarding the claims.

The general thrust of the discussion was the undersigned's brief explanation of the inventive concepts for which a patent is sought in this case, which might be summarized (by way of generalization) as a system and method for online commerce wherein payment is conditioned upon acceptable delivery of goods.

During the interview, and as noted on the examiner's Interview Summary (paper no. 14), the examiner commented that the invention might be characterized as an "automated COD system." Although the applicants will agree that such a characterization is useful to some

degree, it is noted for the record that such a characterization might be misleading, as it fails to consider other aspects of the invention. The applicants would therefore like to state for the record that characterization of the invention as an "automated COD system" is not meant to be limiting, as the limits are defined by the claims, but is intended solely for the purpose of general conceptual summary and as an aid in understanding the subject matter for which a patent is sought.

During the interview, the undersigned generally described various aspects of the subject matter for which a patent was sought, for example, notions of displaying payment instruments for selection by the buyer, receiving a registration of a payment instrument, obtaining an authorization for making a payment, receiving a tracking number for shipping the goods, querying a tracking database to determine when the goods were delivered, triggering payment from a payment instrument processor upon "acceptable delivery," etc., and how the cited art did not disclose, teach, or suggest such aspects.

The examiner suggested improvements to the claims to include more technical features and aspects. No agreement was reached.

The undersigned agreed to submit a new claim set in an RCE that would present the subject matter in better form for allowance, or for appeal if necessary. The new claim set presented herewith is intended to be responsive to the examiner's suggestions as regards the structure of the claims and inclusion of technical aspects of the invention.

In the event that the foregoing record is not considered complete and accurate, the Examiner is respectfully requested to bring any incompleteness or inaccuracy to the attention of the undersigned.